

KENNETH E. SAVAGE, JR.  
SAVAGE VS FEDERAL EXPRESS

June 01, 2015

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
MEMPHIS DIVISION

KENNETH E. SAVAGE, JR., )  
Plaintiff, )  
VS. ) 2:14-cv-02057-STA-dkv  
FEDERAL EXPRESS CORPORATION )  
d/b/a FEDEX EXPRESS, FEDEX )  
CORPORATION EMPLOYEES' PENSION )  
PLAN, FEDEX CORPORATION )  
RETIREMENT SAVINGS PLAN, )  
Defendants. )

VIDEOTAPE DEPOSITION  
OF  
KENNETH E. SAVAGE, JR.

JUNE 1, 2015



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Exhibit A

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STIPULATIONS

The videotape deposition of Kenneth E. Savage, Jr., is taken on this, the 1st day of June, 2015, on behalf of the Defendants, pursuant to notice and consent of counsel, beginning at approximately 9:25 a.m. in the offices of FedEx Express, 3620 Hacks Cross Road, Building B, Third Floor, Memphis, Tennessee 38125.

This deposition is taken pursuant to the terms and provisions of the Federal Rules of Civil Procedure.

The signature of the witness is waived.

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A P P E A R A N C E S

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1 about an hour now. Does anybody object to a  
2 break?

3 MR. KNOX: No. We can take a -- this is  
4 as good a stopping point as any. We will go  
5 off the record.

6 THE VIDEOGRAPHER: The time is 10:35. We  
7 are off the record.

8 (A recess was taken, and the  
9 deposition continued as  
10 follows:)

11 THE VIDEOGRAPHER: The time is 10:46. The  
12 -- we are back on the record.

13 BY MR. KNOX:

14 Q All right. When we took a break, you  
15 mentioned that you had talked to Amy Siler and  
16 Krishna Shukla in the benefits department about this  
17 difference in your benefits calculation in the May  
18 to June time frame of 2012. Is that right?

19 A Yes, sir.

20 Q Okay. Did I say all of that correctly?

21 A I think so. Yes.

22 Q Okay. And did you get a response back  
23 from them?

24 A They -- they basically told me that I  
25 would have to go through the FedEx retirement

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1 center, that they no longer really handled these  
2 issues, that it had all been given to the FedEx  
3 retirement center.

4 Q Okay.

5 A And so I tried to contact somebody there,  
6 and that was kind of it because I went on military  
7 duty in August. I did, I think, two weeks in  
8 August. And then in September I was terminated.

9 Q Okay. So you tried to contact somebody at  
10 the FedEx retirement center?

11 A Yes, sir. It was just a customer service  
12 number, is all they gave me.

13 Q Okay. And you --

14 A I talked to a customer service agent, and  
15 they said that they would make a report of it, and I  
16 never heard anything else from them to be honest.  
17 Never.

18 Q Did you follow up with them at all?

19 A I did.

20 Q When?

21 A Around the 1st of August because I left.  
22 It was either the second week or the third week of  
23 August I left for military duty. And then when I  
24 came back from military duty like around the 1st of  
25 September time frame -- shortly thereafter, I was

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1 terminated. So after the 1st of August, I didn't  
2 follow up after that because I wasn't here.

3 Q Okay. Do you know who you talked to at  
4 the retirement service center?

5 A No, sir. Customer service.

6 Q Okay. And you say you -- was it like an  
7 800 number?

8 A Yes, sir. It was on the website. You  
9 know, you can log in to your account on the website.  
10 That's how -- that's -- they gave me the same number  
11 that was on the website. This Amy and --

12 Q And Krishna?

13 A Krishna.

14 Q Okay. So you had accessed the website  
15 before. Is that --

16 A Yes, sir.

17 Q -- true?

18 A Yes.

19 Q Okay. And there is a phone number and  
20 some contact options, I guess, on the website. Is  
21 that correct?

22 A Yes, sir.

23 Q And when you spoke with Amy and Krishna,  
24 they told you to contact the retirement -- the  
25 retirement center. Is that right?

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1 A Yes, sir.

2 Q And the information they gave you on how  
3 to contact the retirement center is basically the  
4 same information that was on the website. Is that  
5 fair?

6 A I don't recall. It was hard to find a  
7 number on the website, as I recall. The website  
8 wasn't as usual user-friendly as what it was -- what  
9 it is today.

10 Q Okay. But I thought you said that Amy and  
11 Krishna had given you the information to contact  
12 them as well.

13 A They did. Yes, sir.

14 Q Okay. And so you placed a phone call to  
15 the retirement center and spoke to a customer  
16 service agent?

17 A Yes, sir.

18 Q And they said they would look into it?

19 A Yes, sir.

20 Q And you never heard back from them?

21 A No, sir.

22 Q And you didn't follow up with them?

23 A I did follow up in August, but I did not  
24 talk to the same individual. I mean, it was just a  
25 customer service --



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1 Q Okay.

2 A And they didn't have any new information  
3 for me.

4 Q And your follow-up was in early August --

5 A Yes, sir.

6 Q -- before you went out on military leave?

7 A Yes, sir.

8 Q Okay. Do you remember when you tried to  
9 contact them the first time?

10 A It was like the first week of June  
11 because, like I explained before the break, we got  
12 our statement the 1st of June for the year prior.

13 And the year prior was 2011, and that  
14 is when I did 90 days of military duty, and that is  
15 where I noticed the disparity.

16 So that -- that makes sense to me.  
17 It was right after the June statement came out.

18 Q Okay. That is just your best  
19 recollection?

20 A Yes, sir.

21 Q Okay. All right. So in terms of policies  
22 and practices that you complained about -- to  
23 summarize, you talked about the shift bid and the  
24 military leave of absence back in 2007/2008.

25 You talked about the overtime policy

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1 back in 2004.

2 There were some issues raised by, I  
3 guess, you and Cliff when the plan changed -- the  
4 pension plan changed back in 2008.

5 A Yes, sir.

6 Q And then in 2012, you were discussing  
7 pension accounts with some coworkers, and it came to  
8 your attention that maybe your pension account  
9 wasn't calculated the same as theirs or wasn't as  
10 high as theirs. Is that correct?

11 A Yes, sir.

12 Q And that was in the 2012 time frame?

13 A Yes, sir.

14 Q And as a result of that, you talked to  
15 management in HR. They told you to talk to the  
16 benefits department, and the benefits department  
17 told you to talk to the retirement center. Is that  
18 right?

19 A Yes, sir.

20 Q Okay. All right. Any other policies or  
21 practices or anything else that you complained  
22 about?

23 A My Vanguard account, too. I think that is  
24 called the retirement savings plan. Around the same  
25 time frame, I noticed that was wrong as well.

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1 two days prior to my wife shipping those two items  
2 that I told you about.

3 Q Why did you send it to Patricia Williams?

4 A She was my -- she was the investigator in  
5 my case.

6 Q Okay. So she is the one that you actually  
7 met with when you -- when you were interviewed about  
8 this?

9 A Yes, sir. She was the one who contacted  
10 my supervisor and interviewed me at security.

11 Q Okay. Are those two items that were  
12 shipped -- are those the only two items that your  
13 wife had ever shipped using your employee discount?

14 A No, sir.

15 Q Had she been -- you said y'all were  
16 cleaning out your attic and getting rid of stuff.

17 Had y'all been doing that over a  
18 period of time?

19 A Yes.

20 Q I believe y'all were either short-selling  
21 your house at the time or preparing to. Right?

22 A We were -- had it on the market. I mean,  
23 yes. We were downsizing.

24 Q How much stuff were y'all shipping?

25 A It was sporadic. I mean, she was doing

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1 most of the shipping. to be quite honest with you.  
2 If I had to guess, maybe four to six items a month  
3 at the most.

4 Q And these were items -- who was she  
5 shipping them to?

6 A Well, like I told security, things that we  
7 had sold on Ebay or Craigslist. And some of the  
8 stuff were to friends, you know. I had some family  
9 items that I didn't necessarily want to get rid of,  
10 and I had shipped them to some family, you know,  
11 members. Stuff that, you know, I didn't want to  
12 sell, but I didn't want to get rid of it either.

13 Q Some of the stuff you were just giving to  
14 your family members and shipping it out to them?

15 A I have a cousin who I gave some stuff to  
16 that lives out of town.

17 Q What about friends? Stuff you were just  
18 giving to them?

19 A Yes, sir.

20 Q Okay. So you had some items that you were  
21 giving away to friends and family that you shipped  
22 them out on, and then there were some items that you  
23 were selling, you know, on Ebay, Craigslist, or  
24 stuff just through the paper?

25 A I think it was just Ebay and Craigslist.

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1 That is what she was using.

2 Q And whoever happened to buy whatever it is  
3 that you were selling --

4 A Correct.

5 Q -- you would ship the item out to them  
6 using your employee discount?

7 A Yes, sir.

8 Q Okay.

9 A One thing I would like to add if I may --

10 Q Sure.

11 A -- is I never charged anybody for the  
12 shipping, and I made that perfectly clear in my  
13 appeals as well. That was a violation of the  
14 policy, old or new.

15 And so when we sold something, it was  
16 always free shipping because my wife and I paid for  
17 the shipping and used my FedEx discount. That is  
18 how that worked.

19 Q Okay.

20 A And I believe that was one of the  
21 questions that Patricia William had asked me in my  
22 interview.

23 Q Okay. So when you would put it on  
24 Craigslist or Ebay or wherever you were selling it,  
25 you would advertise it as free shipping?

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1 A Yes, sir.

2 Q How long were you doing -- how long were  
3 you going through the process of cleaning out your  
4 attic and whatnot?

5 A Well, we started cleaning out the house in  
6 like February and March because we were going to put  
7 the house up for sale at the end of the school year.  
8 So we were looking -- I think we put the house up  
9 for sale like in May. So we might have started as  
10 early as like March.

11 Q Okay.

12 A Something like that.

13 Q Now, you say Patricia Williams interviewed  
14 you over this. Right?

15 A Yes, sir.

16 Q How did that interview go?

17 A They contacted my manager, and my manager  
18 contacted me. I was actually temporarily assigned  
19 to the continuous improvement team at the time.

20 Q Okay.

21 A So they gave me a call and said, "Hey, I  
22 need you to go to security and talk to a Patricia  
23 Williams there."

24 This was like the brand new security  
25 building that is over off of Democrat.

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1 Pablo Melgar, and Will McGowans.

2 A Correct.

3 Q Okay. And we have already talked about  
4 Alonzo Smith, and we have his deposition. Right?

5 A Right.

6 Q What do you know about Pablo Melgar?

7 A Pablo was actually -- at the time had  
8 transferred to Miami. He and I went to college  
9 together at Embry-Riddle while working at FedEx, and  
10 I had heard that he had, you know, been in trouble  
11 with the shipping violation.

12 And I called him immediately after  
13 being suspended, and he basically told me that, you  
14 know, he had been terminated back in May of 2012 for  
15 a shipping violation -- shipping policy violation  
16 and GFTed it on the second time and got his job  
17 back.

18 And he basically told me that his  
19 situation was he had an unauthorized use of his  
20 shipping benefit and that that is the violation he  
21 had.

22 Q Did he explain what kind of unauthorized  
23 use?

24 A Yes. He told me that he had let a  
25 girlfriend use his shipping account to ship some

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1 items, and that is what was called into question.

2 Q Any idea how many items he had shipped?

3 A It was several, but I don't think the  
4 quantity was the issue. I think it was the fact  
5 that he didn't -- he let somebody use his account.  
6 That was the issue.

7 Q Okay.

8 A That is what he told me, and that is what  
9 FedEx had told him, I think.

10 Q Was he in Miami at the time?

11 A Yes, sir.

12 Q Do you know who he reported to?

13 A Dana Jones.

14 Q So Dana Jones was in Miami in 2012?

15 A He had evidently gotten transferred down  
16 there.

17 Q So everything you know about Pablo Melgar  
18 is based on what he told you?

19 A Yes, sir.

20 Q Okay.

21 A He actually helped me with my GFT because  
22 he had done two of them himself, and it hadn't been  
23 but several months prior.

24 Q Okay.

25 A He was a really big help in explaining the



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1                   So those people had to have had  
2 something to do with my investigation while I was  
3 off for eight days.

4           Q     And your managing director would be  
5 Maureen Patton?

6           A     Yes, sir.

7           Q     Okay. Well, other than just your own  
8 personal suspicions, do you have any evidence that  
9 suggest Maureen Patton was involved in this at all?

10          A     She did, as per the policy, the GFT  
11 policy, have a conference call with me between the  
12 time that I submitted my GFT-1 package and the time  
13 that my GFT-1 decision letter was given. And it  
14 didn't seem very positive to me. It wasn't a  
15 positive conversation.

16                   I can't remember all the context to  
17 it, but Troy Turnipseed was on the phone. Maureen  
18 was on the phone. And Tommy Lott was on the phone,  
19 and I -- I believe my senior manager at the time  
20 Mike Anello was on the phone, but I can't recall.

21                   But, I mean, it just seemed like a  
22 very one-sided conversation. And given -- in light  
23 of events that I had talked to Pablo about when he  
24 had his conference call, it just didn't seem like it  
25 was going to go my way.

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1 Q Did he have a conference call with Maureen  
2 and Troy and Tommy and Mike?

3 A Well, he had a conference call, I believe,  
4 with Maureen. But his other managers were different  
5 because he was in Miami --

6 Q Okay.

7 A -- at that point in time. But the same  
8 process was given to him as it was given to me.

9 Q Okay. So what was said that made you  
10 think this was bad or made you think that these  
11 folks were --

12 A It just didn't seem like there was much of  
13 an investigation that had gone on. It didn't seem  
14 like they really cared to hear my side of the story.  
15 It was basically you violated a policy, and  
16 everything else that you have ever done we are not  
17 going to worry about, and we are going to fire you.

18 And, you know, my military service I  
19 didn't even find out was brought up until the third  
20 GFT, and I brought that out in my DOL investigation,  
21 that there were aspects of my military career leave  
22 of absences that were considered in that decision.

23 Q In what decision?

24 A The third GFT appeal as part of the  
25 package that is presented to the board.

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C E R T I F I C A T E

STATE OF TENNESSEE:  
COUNTY OF SHELBY:

I, Takiyah Sanders, Court Reporter and  
Notary Public, Shelby County, Tennessee, CERTIFY:

The foregoing proceedings were taken  
before me at the time and place stated in the  
foregoing styled cause with the appearances as  
noted.

Being a Court Reporter, I then reported  
the proceeding in Stenotype, and the foregoing pages  
contain a true and correct transcript of my said  
Stenotype notes then and there taken.

I am not in the employ of and am not  
related to any of the parties or their counsel, and  
I have no interest in the matter involved.

I FURTHER CERTIFY that this transcript is  
the work product of this court reporting agency and  
any unauthorized reproduction and or transfer of it  
will be in violation of Tennessee Code Annotated  
39-14-104, Theft of Services.

Witness my signature, this 14th day  
of June, 2015

*Takiyah Sanders*

Takiyah Sanders, CSR, LCR  
License No. 486